



UNITED STATES PATENT AND TRADEMARK OFFICE

cel

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,888	12/15/2000	Peter A. Barany	NORT-0063-US(12789RRUS02U	1988

7590 12/23/2005

Dan C. Hu
TROP, PRUNER & HU, P.C.
Ste. 100
8554 Katy Freeway
Houston, TX 77024

EXAMINER

ABELSON, RONALD B

ART UNIT PAPER NUMBER

2666

DATE MAILED: 12/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/737,888	Applicant(s) BARANY ET AL.	
	Examiner Ronald Abelson	Art Unit 2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-4, 6-13, 15, 17-19, 21, 23-28, 31, 32, 34-37, 39-43 and 45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6, 9-11, 17, 21, 23-28, 31, 32, 34-37, 39, 40, 43 and 45 is/are allowed.
- 6) ☒ Claim(s) 7, 12, 13, 15, 41 and 42 is/are rejected.
- 7) ☒ Claim(s) 2-4, 8, 18 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to: See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2666

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 7, 12, 13, 15, 41 and 42 are rejected under 35 U.S.C. 102(e) as being anticipated by Orton (US 6,678,735)

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Art Unit: 2666

Regarding claim 12, Orton teaches a method for establishing a call in a wireless network (fig. 1, SIP, col. 3 lines 16-32).

Orton teaches sending a request for a packet-switched call over the wireless network (SIP messages to establish a connection, PDA sending response signal in SIP format, col. 3 line 61 - col. 4 line 7).

Orton teaches communicating control signaling in a traffic channel of the wireless network to establish the packet-switched call (SIP messages sent over TCP or UDP communication links, col. 3 lines 38-40, SIP proxy server may send and receive data packets using TCP or UDP, col. 3 lines 21-29).

Orton teaches communicating the control signaling comprises communication Session Initiation Protocol messages in the traffic channel (SIP messages sent over TCP or UDP communication links, col. 3 lines 38-40, SIP proxy server may send and receive data packets using TCP or UDP, col. 3 lines 21-29).

Regarding claim 7, communicating the control signaling in a packet data traffic channel (SIP messages sent over TCP or UDP communication links, col. 3 lines 38-40, SIP

Art Unit: 2666

proxy server may send and receive data packets using TCP or UDP, col. 3 lines 21-29). The examiner corresponds the applicant's packet data channel with the TCP or UDP communication links.

Regarding claim 13, communicating the control signaling comprises communicating a Session Initiation Protocol Invite request in the traffic channel (fig. 7: SipInviteMessage, SIP, invite, col. 1 lines 20-22, col. 7 lines 26-30, 55-57).

Regarding claim 15, Orton teaches a method for establishing a call in a wireless network (fig. 1, SIP, col. 3 lines 16-32).

Orton teaches sending a request for a packet-switched call over the wireless network (SIP messages to establish a connection, PDA sending response signal in SIP format, col. 3 line 61 - col. 4 line 7).

Orton teaches communicating control signaling in a traffic channel of the wireless network to establish the packet-switched call (SIP messages sent over TCP or UDP communication links, col. 3 lines 38-40, SIP proxy server

Art Unit: 2666

may send and receive data packets using TCP or UDP, col. 3 lines 21-29).

Orton teaches sending a release message to terminate the packet-switched call (fig. 7, SipByeMessage, col. 7 lines 55-57, fig. 8 box 895, SipByeData, col. 8 lines 18-25) in a traffic channel (SIP messages sent over TCP or UDP communication links, col. 3 lines 38-40, SIP proxy server may send and receive data packets using TCP or UDP, col. 3 lines 21-29).

Orton teaches sending the release message comprises sending a Session Initiation Protocol Bye message (fig. 7, SipByeMessage, col. 7 lines 55-57) in the traffic channel (SIP messages sent over TCP or UDP communication links, col. 3 lines 38-40, SIP proxy server may send and receive data packets using TCP or UDP, col. 3 lines 21-29).

Regarding claim 41, Orton teaches receiving control signaling to set up a packet-switched call over a wireless network (SIP messages to establish a connection, PDA sending response signal in SIP format, col. 3 line 61 - col. 4 line 7), the control signaling carried in a first packet data traffic channel (SIP messages sent over TCP or UDP communication links, col. 3 lines 38-40, SIP proxy

Art Unit: 2666

server may send and receive data packets using TCP or UDP, col. 3 lines 21-29). The examiner corresponds the applicant's packet data channel with the TCP or UDP communication links.

Orton teaches establishing the packet-switched call over the wireless network (fig. 1 box 108, SIP messages to establish a connection to the wireless proxy device, col. 3 line 61 - col. 4 line 7).

Orton teaches communicating bearer data in the first packet data traffic channel (SIP messages sent over TCP or UDP communication links, col. 3 lines 38-40, SIP proxy server may send and receive data packets using TCP or UDP, col. 3 lines 21-29).

Regarding claim 42, Orton teaches a method for establishing a call in a wireless network (fig. 1, SIP, col. 3 lines 16-32).

Orton teaches sending a request for a packet-switched call over the wireless network (SIP messages to establish a connection, PDA sending response signal in SIP format, col. 3 line 61 - col. 4 line 7).

Orton teaches communicating control signaling in a traffic channel of the wireless network to establish the

Art Unit: 2666

packet-switched call (SIP messages sent over TCP or UDP communication links, col. 3 lines 38-40, SIP proxy server may send and receive data packets using TCP or UDP, col. 3 lines 21-29).

Orton teaches communicating the control signaling comprises communicating a control message in a packet data traffic channel (SIP messages sent over TCP or UDP communication links, col. 3 lines 38-40, SIP proxy server may send and receive data packets using TCP or UDP, col. 3 lines 21-29), the control message according to a protocol for establishing a packet-switched call over an Internet Protocol network (fig. 5, TCP/IP, col. 6 line 66 - col. 7 line 7).

Allowable Subject Matter

3. Claims 6, 9-11, 17, 21, 23-28, 31, 32, 34-37, 39, 40, 43, and 45 are allowed.

4. Claims 2-4, 8, 18, and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2666

Response to Arguments

5. Applicant's arguments with respect to claim 7, 12, 13, 15, 41 and 42 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Abelson whose telephone number is (571) 272-3165. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2666

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ronald Abelson
Examiner
Art Unit 2666


